

# **SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL**

**OCTOBER 1, 2012**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mr. McGee, Mr. Yazbak and Mr. Zwolenski (Acting President). Mrs. Charest was still recuperating. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

## **DISCLAIMER**

Mr. Zwolenski read the following disclaimer: “It is the Board’s understanding that this meeting is being videotaped for future broadcast on cable television. Please be advised that this videotaping is being done by private citizens. It is not being done on behalf of the Town of North Smithfield, nor is the Town of North Smithfield in any way sponsoring or affiliated with it. It is not a public record. The Town of North Smithfield especially disclaims any liability for the contents or the accuracy thereof. Any video tape of this meeting or any other use of said video tape or other recording and the contents thereof are solely the responsibility of the parties doing this videotaping.”

**OUTDOOR SOUND SYSTEM PERMIT - PRIMROSE VALLEY GARDENS**  
**MOTION** by Mr. Yazbak, seconded by Ms. Alves and Mr. McGee, and voted 4 to 0 on an aye vote to move this item up on the agenda.

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to approve an outdoor sound system permit for Primrose Valley Gardens for their Farmer's Day event to be held at 1184 Providence Pike on October 20, 2012 from 11:00 A.M. to 5:00 P.M.**

**1ST READING ORDINANCE AMENDMENT RE: DETERMINATION OF SEWER ASSESSMENT**

**Mr. Nadeau prepared this ordinance at the request of the Council who directed him to prepare something that would bring the credit that was dropped from the ordinance amended in 2009 back to privately-financed sewers. The language is taken partly from the prior ordinance and partly from contributions made by former Sewer Commission member Paul Nordstrom.**

**Mr. Nordstrom felt that if the town does not find a way of having private entities turn over sewers and public ways to the town, soon the private entities are going to be charging fees for people to tie in separately. The thought process is for people paying the sewer lot development fee for sewer substructures that they put in a public right-of-way that meets the town's standards would get a credit up to their sewer lot development assessment.**

**Mr. Nordstrom feels a lot of work needs to be done to the sewer use ordinance itself.**

**Following discussion about Industrial Drive Development Company's request for a sewer credit, Mr. Nadeau made it clear that in this proposed amendment the credit is only for the portion of the cost of installing or repairing a sewer in a street or highway. It has nothing to do with being on their own premises. It is only putting a sewer line down a street in town that normally would be done by the town.**

**Attorney Thomas Carter, representing Bucci Development, offered a couple of amendments to the proposed ordinance.**

**Mr. Nordstrom reiterated this ordinance change is strictly for what is turned over to the town and that becomes part of the town's infrastructure. If the town starts giving credits for private development, then the town's sewer department will have to go in and alleviate sewer problems. Private developments are responsible for their own infrastructure.**

**This is considered the first reading.**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to schedule the second reading on October 15, 2012.**

## **2ND READING ORDINANCE AMENDMENT RE: SLATERSVILLE HISTORIC DISTRICT MAP**

**Since this is a zoning ordinance, Mr. Nadeau explained that four Council members are needed to vote on it. Mrs. Charest is ill this**

**evening and Mr. Yazbak would be recusing.**

**MOTION by Ms. Alves, seconded by Mr. McGee, and voted 3 to 0 (Mr. Yazbak recused) on an aye vote to continue this to October 15, 2012.**

### **PUBLIC HEARING RE: HIGHWAY BUSINESS ZONE CHANGES**

**Town Planner Robert Ericson recommended continuing this to a later date because what appears in the proposed District Use Table will determine if these are appropriate changes.**

**Quaker Highway - Mr. Ericson stated that Flagg RV is looking to move across the street to Plat 1, Lot 150 with a much smaller operation. They would not be servicing vehicles and there would be fewer vehicles on the lot.**

**Mr. Zwolenski was concerned that this was spot zoning.**

**Mr. Nadeau agreed there should be a separate application from Flagg RV.**

**Victory Highway - Mr. Ericson feels Plat 1, Lot 46 should remain Neighborhood Business because of a stipulation made at a zone change hearing in 2000. The stipulation states that Lot 46 shall remain in its present state and shall serve as a natural buffer between the commercial activity and the residential activity. No construction, excavation or clearing of any type shall occur on Lot 46 nor shall it be**

**used in any way for ingress or egress purposes.**

**Since there is only a small area behind the Slatersville Plaza that could possibly be of any interest, Mr. Ericson thought the logical option for much of the proposed zone change designation would be to change from Business Neighborhood to Mixed Use 1.**

**Eddie Dowling Highway - There is one lot on the right side of the map (Plat 21A, Lot 21) that would be changed from Business Neighborhood to Business Highway. There was a question whether the lots on the left side of the map could be assembled into a larger building or complex and yes it could. The District Use Table will be looking at different scales for business establishments.**

**MOTION by Mr. Yazbak, seconded by Ms. Alves and Mr. McGee, and voted 4 to 0 on an aye vote to continue this public hearing to October 15th and to place it on the agenda after the public hearing for the District Use Table.**

## **PUBLIC HEARING RE: PARKING AND LOADING ORDINANCE**

**Mr. Ericson spoke about gross combined weight and how that makes the ordinance unenforceable. A different option would be to have just the gross weight of the vehicle itself.**

**Mr. Ericson explained that the major problem with the existing parking and loading ordinance is that retail had a requirement of one**

parking space for 75 square feet of retail area. That is thirteen per thousand. The standard in almost every other town is four per thousand.

Mr. Zwolenski suggested including the words, “other motorized vehicles” in Section 6.13.1.

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on an aye vote to close this public hearing.

This constitutes the first reading.

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to schedule the 2nd reading for October 15, 2012.

## **PUBLIC HEARING RE: WETLAND SETBACKS FOR ONSITE WASTE WATER TREATMENT SYSTEMS**

Mr. Ericson stated that this ordinance is going to be limited significantly so that it only deals with the surface watersheds for drinking water reservoirs. This is something that the Comprehensive Plan recommended be addressed.

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on an aye vote to continue this hearing to November 19, 2012.

## **APPOINTMENT TO ZONING BOARD**

**There was no appointment at this time.**

### **APPOINTMENT TO JUVENILE HEARING BOARD**

**MOTION by Ms. Alves, seconded by Mr. McGee, and voted 3 to 1 (Mr. Yazbak voted no because no information was provided in the packet) to approve Ms. Hamilton's appointment of Marie Walkow of 15 Cynthia Drive to the Juvenile Hearing Board. This is a three-year term that expires December 1, 2014.**

### **NSES WINDOW REPLACEMENT**

**Mr. Tony Kopacz, School Department Facilities Director, explained that when the Fire Marshal walked through the school and did his first assessment, two rooms were missed. The plan was based on his write-up. During a second walk through is when it was noticed that two additional rooms needed to have windows replaced.**

**MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on an aye vote to approve the change order and add \$4,400 to the original cost of the project that was \$39,700 for a revised total of \$44,100.**

**MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on an aye vote that \$24,200 be approved for payment currently based upon the disbursement from the contingency fund at the request of the acting finance director and the administrator.**

**RESOLUTION RE: TAX EXEMPT LEASE/PURCHASE FINANCING  
WITH US BANCORP**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on  
an aye vote to approve the following resolution as presented by the  
Town Solicitor:**

**“Whereas, funding for the following equipment and improvements to  
various Town properties has been requested by the respective  
departments, as indicated below (collectively, the “Project”):**

<b>Description</b>	<b>Amount</b>	<b>Department</b>
<b>Guardrails</b>	<b>\$25,000.00</b>	<b>Highway</b>
<b>Pick Up Truck with Plow</b>	<b>50,000.00</b>	<b>Parks &amp; Recreation</b>
<b>Building Upgrades Scouters Hall</b>	<b>15,000.00</b>	<b>Parks &amp; Recreation</b>
<b>Demolish/Build Water Building</b>	<b>7,000.00</b>	<b>Parks &amp; Recreation</b>
<b>Building Renovations-bathroom/plumbing</b>	<b>45,000.00</b>	<b>Police</b>
<b>Three (3) Police Cruisers</b>	<b>100,000.00</b>	<b>Police</b>
<b>Repaint Town Hall</b>	<b>10,000.00</b>	<b>Administration</b>
<b>800 MHZ Capital System</b>	<b>57,891.00</b>	<b>EMA</b>
<b>Box Truck</b>	<b>45,000.00</b>	<b>School</b>
<b>New Furnace</b>	<b>30,000.00</b>	<b>School</b>
<b>Auditorium Upgrades</b>	<b>20,000.00</b>	<b>School</b>
<b>Total Costs</b>	<b>\$404,891.00</b>	

**Whereas, pursuant to Article VII, § 2 of the Town Charter, the Town is  
allowed to enter into lease/purchase agreements as contractual**



obligations and to annually appropriate a sum sufficient to pay both principal and interest on such agreements; Whereas, U.S. Bancorp Government Leasing and Financing, Inc. (“Lender”) has proposed financing for the acquisition of, or undertaking of projects included in, the Project pursuant to a Master Tax-Exempt Lease/Purchase Agreement (the “Agreement”) over a period of 5 years at an interest rate of approximately 1.29% percent per annum; and Whereas, the Town’s Finance Director, Town Administrator, and financial advisor, Public Financial Management, Inc., have each recommended the financing the Project pursuant to the Agreement. It is RESOLVED by the Town Council of the Town of North Smithfield as follows: 1. That it is in the best interests of the Town of North Smithfield and its residents for the Town to finance the Project pursuant to the Agreement. 2. That the Town Administrator is hereby authorized and directed to sign on behalf of the Town any and all documents, instruments or certificates in connection with the financing of the Project, including but not limited to the Agreement. 3. The Town Administrator is hereby authorized to take all lawful action on behalf of the Town necessary under the Internal Revenue Code of 1986, as amended (the “Code”), to ensure that the interest pursuant to the Agreement will be exempt and will remain exempt from federal income taxation to the extent provided in Section 103 of the Code, and to refrain from taking any action which will cause interest pursuant to the Agreement to lose the benefit of the exclusion from gross income provided by Section 103 of the Code. This Resolution shall take effect upon passage.”

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to adjourn at 8:31 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**